

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act, Chapter 80, Article 1, and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-50 through 9 VAC 5-80-300, and 9 VAC 5-140-10 through 9 VAC 5-140-930 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Cogentrix Virginia Leasing Corporation
Facility Name:	Cogentrix Virginia Leasing Corporation
Facility Location:	1 Wild Duck Lane Portsmouth, Virginia
Registration Number:	61049
Permit Number:	TRO-61049

This permit includes the following enforcement programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through VI)

Federally Enforceable Requirements - NO_x Budget Trading Requirements (Section VII)

The permit application submitted for this source has been attached to this document (5 pages).

JUNE 1, 2006

Effective Date

MAY 31, 2011

Expiration Date

MAY 30, 2006

Signature Date

Harold J. Winer

Deputy Regional Director

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I. Facility Information

Permittee Information

Cogentrix Virginia Leasing Corporation
1 Wild Duck Lane
Portsmouth, Virginia 23703

Responsible Official

Steve Gaynier
Plant Manager

NO_x Allowance Budget Trading Authorized Account Representative

Tracy L. Patterson
Air Quality Manager
USEPA AAR ID Number: 2016

Facility ID

Cogentrix - Portsmouth
1 Wild Duck Lane
Portsmouth, Virginia 23703

Facility Contact person

Tracy L. Patterson
Air Quality Manager
704-672-2737

County-Plant Identification Number: 51-740-00081

ORIS Code: 10071

NATS Facility Identification Number: 10071

Facility Description: NAICS Number 221122 - Cogentrix Virginia Leasing Corporation is a cogeneration plant which combusts bituminous coal in six (6) stoker-fired boilers, each rated at approximately 200 million Btu heat input per hour, to produce steam. A portion of the steam is sold to an industrial host for use in their manufacturing process. The remainder of the steam is used to drive a turbine-generator to provide electricity that is sold to Virginia Power. The plant was originally permitted under the requirements of PSD in 1986. The boilers are traveling grate, overfeed, stoker boilers manufactured by Foster Wheeler and are normally operated at full load, 24 hours per day, 7 days per week. In addition to the stoker boilers, other emission sources on the plant site include the coal handling operations and the ash handling operations. Coal is delivered to the site via barge and off-loaded to a conveyor belt. The flat conveyor belt is formed into a tube to carry the coal to the coal storage yard. The coal is stacked onto a pile over underground hoppers. From these hoppers, coal is fed onto a conveyor belt for delivery into the plant where it is stored in a bunker for each boiler. The ash produced from the fuel combustion and that is collected by the boiler baghouse is collected and pneumatically conveyed to a storage silo. The ash is unloaded from the silos into trucks. The facility also maintains a 340 brake horsepower emergency diesel water pump for fire control purposes.

II. Emission Units

Equipment to be operated consists of:

[illegible]

[illegible]

Emission Unit ID (EU ID)	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Stack ID	Pollutant Controlled	Applicable Permit Date
2-3	Storage Silo		Bagfilter: A-S-H Binvent	2-3A	2-3A	PM	12/23/86 amended 7/26/99
2-3	Vacuum pump		Filter: In line cartridge filter Cyclone: A-S-H Co. T-42 primary collector Bag filter: A-S-H Co. T-42 w/Micropulsair Mdl 42-8-18" hg	2-3B 2-3E 2-3F	2-3B	PM	12/23/86 amended 7/26/99
2-3	Vacuum pump		Filter: In line cartridge filter Cyclone: A-S-H Co. T-42 primary collector Bag filter: A-S-H Co. T-42 w/Micropulsair Mdl 42-8-18" hg	2-3C 2-3E 2-3F	2-3C	PM	12/23/86 amended 7/26/99
2-3	Wet unloader		Pugmill: A-S-H C-40 pugmill	2-3D	2-3D	PM	12/23/86 amended 7/26/99

III. Equipment Requirements

A. Limitations

1. Emissions from the operations of each of the six (6) steam generators (Boilers 1A, 1B, 1C, 2A, 2B, and 2C) shall not exceed the limitations specified below:

Particulate Matter	0.03 lbs/10 ⁶ Btu	5.9 lbs/hr	26.0 tons/year
Sulfur Dioxide	1.52 lbs/10 ⁶ Btu	304.0 lbs/hr	1,331.5 tons/year
Volatile Organic Compounds	0.003 lbs/10 ⁶ Btu	0.6 lbs/hr	2.5 tons/year
Nitrogen Dioxide	0.6 lbs/10 ⁶ Btu	120.0 lbs/hr	525.6 tons/year
Carbon Monoxide	0.6 lbs/10 ⁶ Btu	120.0 lbs/hr	525.6 tons/year

Annual emissions shall be calculated monthly as the sum of the emissions from the previous 12-month period.

(9 VAC 5-170-160, 9 VAC 5-50-260, 9 VAC 5-50-280, 40 CFR 60.44b, 40 CFR 60.43b, and Specific Condition 5 of 7/26/99 permit)

2. Emissions from the operation of the coal barge off-load, coal storage load-in, and coal storage piles shall not exceed the limitations specified below:

Particulate Matter	0.22 lbs/10 ⁶ Btu	0.65 tons/year
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These numerical emission limits are derived from the estimated overall emission contribution. These emissions are not intended to be quantitatively measured by stack testing. Compliance shall be determined as stated in Condition III.A.3.

(9 VAC 5-170-160, 9 VAC 5-50-280, and Specific Condition 6 of 7/26/99 permit)

3. Particulate emissions from the coal barge off-load, coal storage load-in, and coal storage piles shall be controlled by wet suppression with surfactant.

(9 VAC 5-170-160, 9 VAC 5-50-280, and Specific Condition 10 of 7/26/99 permit)

4. Emissions from the operation of each of the two (2) ash silo systems shall not exceed the limitations specified below:

Particulate Matter	0.07 lbs/hr	0.3 tons/year
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These numerical emission limitations are derived from the estimated overall emission contribution. Compliance shall be determined as stated in Condition III.A.6.

(9 VAC 5-170-160, 9 VAC 5-50-280, and Specific Condition 7 of 7/26/99 permit)

5. Emissions from the operation of each of the six (6) coal storage bunkers shall not exceed the limitations specified below:

Particulate Matter	0.005 lbs/hr	0.009 tons/year
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These numerical emission limitations are derived from the estimated overall emission contribution. Compliance shall be determined as stated in Condition III.A.6.
(9 VAC 5-170-160, 9 VAC 5-50-280, and Specific Condition 6 of 7/26/99 permit)

6. Particulate emissions from the coal bunkers and ash systems shall be controlled by bag filters and multicyclones in series followed by bag filters. The bag filters and multicyclones shall be provided with adequate access for inspection.
(9 VAC 5-170-160, 9 VAC 5-50-280, and Specific Condition 11 of 7/26/99 permit)
7. Particulate emissions from the six (6) steam generators shall be controlled by a baghouse rated at 99.1 percent efficiency. The baghouse shall be provided with adequate access for inspection.
(9 VAC 5-80-20, Specific Condition 9 of 7/26/99 permit)
8. The approved fuel for boilers 1A, 1B, 1C, 2A, 2B, and 2C is bituminous coal. A change in fuel may require a permit to modify and operate.
(9 VAC 5-80-20, Specific Condition 12 of 7/26/99 permit)
9. The average sulfur content of the coal to be burned in boilers 1A, 1B, 1C, 2A, 2B, and 2C shall not exceed 0.95 percent by weight, per shipment. The average ash content of the coal to be burned in boilers 1A, 1B, 1C, 2A, 2B, and 2C shall not exceed 11.0 percent by weight, per shipment.
(9 VAC 5-50-280, Specific Condition 13 of 7/26/99 permit)
10. The combined annual throughput of coal to boilers 1A, 1B, 1C, 2A, 2B, and 2C shall not exceed 430,992 tons. The combined annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-170-160, Specific Condition 4 of 7/26/99 permit)
11. All air pollution control equipment operators will be trained and certified in the proper operation of all such equipment.
(9 VAC 5-170-160, General Condition 8 of 7/26/99 permit)
12. Boilers 1A, 1B, 1C, 2A, 2B, and 2C shall not exhibit opacity greater than 20% (6 minute average) except for one 6-minute period per hour of not more than 27% opacity. This standard applies at all times except during periods of startup, shutdown, or malfunction. Excess emissions of opacity are defined as all 6-minute periods during which the average opacity exceeds the standard.
(9 VAC 5-50-410, 40 CFR 60.43b(f), 40 CFR 60.43b(g), and 40 CFR 60.49b(h)(3))
13. The coal handling equipment (FS3, 1-2A, 1-2B, 1-2C, 2-2A, 2-2B, and 2-2C); Unit 1 ash system (1-3); and Unit 2 ash system (2-3) shall not exhibit opacity greater than 20% (6 minute average) except for one 6 minute period per hour of not more than 30% opacity.
(9 VAC 5-50-80)

14. The NOx emission limitation expressed in lbs/mmBtu that is listed in Condition III.A.1 of this permit applies at all times including periods of startup, shutdown, or malfunction. The particulate emission limitation listed in Condition III.A.1 applies at all times except during periods of startup, shutdown, or malfunction. The opacity limitations listed in Conditions III.A.12 and III.A.13 of this permit apply at all times except during periods of startup, shutdown, or malfunction.
(9 VAC 5-50-410, 40 CFR 60.43b(g), and 40 CFR 60.44b(i))
15. Compliance with the NOx emission limitation expressed in lbs/mmBtu and listed in Condition III.A.1 of this permit shall be determined on a 30-day rolling average basis. NOx excess emissions are defined as any calculated 30-day rolling average NOx emission rate expressed in lbs/mmBtu that exceeds the limitation in Condition III.A.1 of this permit.
(9 VAC 5-50-410, 40 CFR 60.44b(i), and 40 CFR 60.49b(h)(4))
16. Boiler emissions from 1A, 1B, 1C, 2A, 2B, and 2C shall be controlled by proper operation using good combustion techniques, practices, and maintenance of the boilers and the associated pollution control equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110)
17. Emissions from 1-2A, 1-2B, 1-2C, 2-2A, 2-2B, 2-2C (coal storage bunkers); Unit 1 Ash system; Unit 2 Ash system; and FS3 (coal unloading and stock out) shall be controlled by proper operation and maintenance of required control equipment listed in Conditions III.A.3 and III.A.6. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum.
(9 VAC 5-170-160 and 9 VAC 5-80-110 B.1.)
18. Boilers 1A, 1B, 1C, 2A, 2B, and 2C shall be operated in accordance with 40 CFR 60 Subpart Db.
(9 VAC 5-50-410 and 40 CFR 60.40b)
19. The permittee shall operate the facility in compliance with 9 VAC 5 Chapter 50, Part II, Article 3 "Standards of Performance for Toxic Pollutants." No changes in the facility that alter emissions of any toxic pollutant or cause the emission of any toxic pollutants shall be made without the prior written approval of the Board.
(9 VAC 5-50-305 and General Condition 15 of 7/26/99 permit)

B. Periodic Monitoring and Other Monitoring Requirements

1. For boilers 1A, 1B, 1C, 2A, 2B, and 2C, the permittee shall install, calibrate, maintain, and operate continuous monitoring systems for measuring the opacity of emissions discharged to the atmosphere and shall record the output of the systems. In addition, for boilers 1A, 1B, 1C, 2A, 2B, and 2C, the permittee shall install, calibrate, maintain, and operate continuous monitoring systems for measuring NOx emissions discharged to the atmosphere and shall record the output of the systems.
(9 VAC 5-50-410, 9 VAC 5-50-100, and Specific Condition 16 of 7/26/99 permit)
2. All continuous emission monitoring systems shall be subject to the provisions of 40 CFR 60 Appendix B and 40 CFR 60 Appendix F.
(9 VAC 5-50-410, 40 CFR 60.13(a), and 9 VAC 5-50-100)

3. All continuous monitoring systems shall be installed such that measurements are representative of emissions. The permittee shall use procedures for locating these systems in the applicable Performance Specification of 40 CFR 60 Appendix B.
(9 VAC 5-50-410, 40 CFR 60.13(f), and 9 VAC 5-50-100)
4. The permittee shall check the zero (or low level value between 0 and 20% of span value) and span (50 to 100% of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specification in 40 CFR 60 Appendix B. The systems shall allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified. For continuous monitoring systems measuring opacity, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity. For opacity measurements, minimum procedures shall include a method for producing a simulated zero opacity condition and upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photo detector assembly.
(9 VAC 5-50-410, 40 CFR 60.13(d), and 9 VAC 5-50-100)
5. The span value for continuous monitoring systems for measuring opacity shall be between 60 and 80%. The span value for NO_x monitoring systems shall be 500 ppm or adjusted as required by 40 CFR 75, Appendix A, Sections 2.1.2.1 and 2.1.2.3, whichever is lower.
(9 VAC 5-50-410, 40 CFR 60.48b(e), 9 VAC 5-50-100)
6. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, all continuous emission monitoring systems and continuous opacity monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
 - (a) For opacity, each system shall complete a minimum of one cycle of sampling and analyzing for each successive 10 second period and one cycle of data recording for each successive 6-minute period. This cycle of sampling, analyzing, and recording shall be considered a data point for opacity monitoring systems.
 - (b) All continuous monitoring systems except opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. This cycle of sampling, analyzing, and recording shall be considered a data point for all monitoring systems other than opacity.

For opacity, each system shall reduce all data to 6-minute averages. For NO_x, each system shall reduce all data to 1-hour averages. The 6-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For NO_x, at least 2 data points shall be used to calculate each 1-hour average, and the 1-hour average shall be expressed in lbs/million Btu heat input. These average hourly emission rates shall be used to calculate the average emission rates.

(9 VAC 5-50-410, 40 CFR 60.13(e), 40 CFR 60.13(h), 40 CFR 60.48b(d), and 9 VAC 5-50-100)
7. The NO_x continuous emission monitoring systems shall be operated and data recorded during all periods of operation of the boilers except for continuous monitoring system breakdowns and repairs. Data shall be recorded during calibration checks, and zero and span adjustments.
(9 VAC 5-50-410, 40 CFR 60.48b(c), and 9 VAC 5-50-100)

8. The permittee shall determine compliance with the NO_x standards expressed in lbs/mmbtu and listed in Condition III.A.1. on a continuous basis through the use of a 30-day rolling average emission rate. A new 30-day rolling average emission rate shall be calculated each steam generating unit operating day as the average of all hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days. A steam generating unit operating day shall be defined as a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period. (9 VAC 5-50-410, 40 CFR 60.46b(e)(2), and 9 VAC 5-50-100)
9. When NO_x emissions data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emission data shall be obtained by using standby monitoring systems, Method 7, Method 7a, or other approved reference methods to provide emission data for a minimum of 75% of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days. (9 VAC 5-50-410, 40 CFR 60.48b(f), and 9 VAC 5-50-100)
10. The fabric filters controlling the boilers (pollution control devices numbered 1A, 1B, 1C, 2A, 2B, and 2C) shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained and calibrated by the permittee in accordance with the manufacturer's specifications, at a minimum. (9 VAC 5-50-280 and 9 VAC 5-80-110 B.1.)
11. The differential pressure across each boiler baghouse (pollution control devices numbered 1A, 1B, 1C, 2A, 2B, and 2C) shall be recorded once every 12 hours while the associated boiler is operating under normal operating conditions. The permittee shall record the pressure drop as differential pressure, inches water column. If the pressure drop exceeds 10 inches water column, the following actions shall be taken:
 - (a) The affected baghouse control panel shall be examined for any faults to ensure the baghouse pulse cleaning controls are operating properly. The permittee shall initiate a manual cleaning cycle to ensure the pulse cleaning controls are operating properly. The baghouse differential pressure indication shall be verified for accuracy during this time.
 - (b) After the control panel has been checked for faults and for proper operation, the baghouse differential pressure shall be checked again. If the pressure drop is 10 inches water column or less, no further action shall be required. If the pressure drop is greater than 10 inches water column, the operator shall verify the boiler firing condition, to include even firing, proper excess boiler oxygen, and ash bed thickness.
 - (c) If items (a) and (b) are completed and the baghouse pressure drop cannot be reduced to 10 inches water column or less at the existing boiler load, the operating level of the affected boiler shall be reduced to a level where the baghouse is operating at 10 inches water column or less. Items (a), (b), and (c) shall be carried out within 2 hours of the initial determination of the high baghouse pressure drop.

- (d) If no other action can reduce the differential pressure drop on the baghouse to 10 inches of water column or less, a particulate test using Method 5 shall be scheduled within 7 working days to verify the compliance status of the unit in regards to the particulate standards listed in Condition III.A.1 at the higher pressure drop. The Director, Tidewater Regional Office shall be notified of the day and time of the planned test. Until the emissions testing is performed and demonstrates compliance with the particulate emissions standards in Condition III.A.1, the affected boiler shall not be operated at a level that results in a baghouse differential pressure greater than 10 inches water column.
 - (e) Performance test reports shall be submitted to the Director, Tidewater Regional Office, within 45 days of conducting the testing described in item (d). The reports shall document the baghouse pressure drop during each run of the test.
- (9 VAC 5-50-110 B.1.)

12. Each coal bunker exhaust (1-2A, 1-2B, 1-2C, 2-2A, 2-2B, and 2-2C), each ash handling system exhaust (1-3 and 2-3), and the coal unloading and stock out (FS3) shall be observed visually at least once each calendar month while the equipment is being operated for a brief period of time. The permittee shall determine, during this time, whether or not the exhaust from any of this equipment has any visible emissions. Any monthly observation of equipment that determines the existence of any visible emissions shall be followed up with a 40 CFR 60, Appendix A, Method 9 visible emission evaluation unless the visible emission condition is corrected as expeditiously as possible such that there are no visible emissions present and recorded. The cause and corrective measures taken shall also be recorded. Records of the monthly determinations and any Method 9 evaluations performed shall be kept on hand for at least 5 years.

(9 VAC 5-80-110)

13. The permittee shall observe visually the exhaust of each wet unloader when the unloader is operated without the use of the pugmill. The permittee shall determine whether or not the exhaust from the unloader has any visible emissions. Any observation that determines the existence of any visible emissions shall be followed up with a 40 CFR 60, Appendix A, Method 9 visible emission evaluation unless the visible emission condition is corrected as expeditiously as possible and recorded. The cause and corrective measures taken shall also be recorded. Records of these determinations and any Method 9 evaluations performed, as well as times when the unloader is operated without the pugmill, shall be kept on hand for at least 5 years.

(9 VAC 5-80-110)

C. Recordkeeping

1. The permittee shall develop, maintain, and have available to all operators good written operating procedures for all air pollution control equipment, including all equipment listed in Conditions III.A.3 and III.A.6. A maintenance schedule for all such equipment will be established and made available to the Director, Tidewater Regional Office for review.

(9 VAC 5-80-110, General Condition 9 of 7/26/99 permit, and 9 VAC 5-50-50)

2. The permittee shall record and maintain records of the amounts of coal combusted during each day and calculate the annual capacity factor each calendar quarter. The annual capacity factor shall be determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

(9 VAC 5-50-410, 40 CFR 60.49b(d), and 9 VAC 5-50-50)

3. The permittee shall maintain records of opacity. The permittee shall also maintain records of the following information for each NOx monitoring system and for each steam generating unit operating day:
- (a) Calendar date.
 - (b) Average measured hourly NOx emission rates in lbs/million Btu.
 - (c) 30-day average NOx emission rates in lbs/million Btu calculated at the end of each steam generating unit operating day from the measured hourly NOx emission rates for the preceding 30 steam generating unit operating days.
 - (d) Identification of days when the calculated 30-day averages of NOx are in excess of the standard, with reasons for each excess emissions as well as a description of corrective actions taken.
 - (e) Identification of days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
 - (f) Identification of time when emissions data have been excluded from the calculation of average emission rates and the reasons for excluding data.
 - (g) Identification of the F factor used for calculations, method of determination, and type of fuel combusted.
 - (h) Identification of times when pollutant concentrations exceeded full span of the continuous monitoring system.
 - (i) Description of modifications to continuous emission monitoring systems that could affect the ability of the system to comply with 40 CFR 60, Appendix B, Performance Specification 2 or 3.
 - (j) Results of daily continuous emission monitoring systems' drift tests and quarterly accuracy assessments as required under 40 CFR 60, Appendix F, Procedure 1.
(9 VAC 5-50-410, 40 CFR 60.49b(g), and 9 VAC 5-50-50)
4. The permittee shall maintain records of pressure drop across each baghouse controlling boilers 1A, 1B, 1C, 2A, 2B, and 2C. In addition, the permittee shall maintain records of maintenance performed on these baghouses as a result of the pressure drop exceeding 10 inches water column. Any actions taken which are not described in Condition III.B.11 shall be noted as such. The permittee shall maintain copies of any testing performed to determine compliance as stated in Condition III.B.11.
(9 VAC 5-80-110, 9 VAC 5-50-280)

5. The permittee shall obtain a certification from the coal supplier with each shipment of coal. Each fuel supplier certification shall include the following:

- (a) The name of the fuel supplier,
- (b) The date on which the coal was received,
- (c) The amount of coal delivered in the shipment,
- (d) The ash content of the coal, and
- (e) The sulfur content of the coal.

The permittee shall maintain records of these certifications on site.
(9 VAC 5-80-110 and 9 VAC 5-50-280)

6. The permittee shall maintain records of all required training including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for each piece of operating equipment and control equipment listed in Conditions III.A.3 and III.A.6. The procedures and training shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.

(9 VAC 5-80-110, 9 VAC 5-50-280, and 9 VAC 5-50-260)

7. The permittee shall maintain records of all times when the pugmill was not operational or malfunctioning during ash loading operations and of all times when wet suppression was not used during coal handling operations.

(9 VAC 5-80-110 and 9 VAC 5-50-260)

8. The permittee shall maintain records of monthly visible emission examinations as required by Conditions III.B.12 and III.B.13.

(9 VAC 5-80-110)

9. The permittee shall maintain records of the DEQ-approved, pollutant-specific emission factors, equipment ratings, and the equations used to demonstrate compliance with the VOC, CO, SO₂, and PM₁₀ limitations contained in Condition III.A.1 as well as the calculated actual emission rates from boilers 1A, 1B, 1C, 2A, 2B, and 2C. Additionally, the permittee shall maintain records of the results of the testing required for these pollutants in Condition III.D.2.

(9 VAC 5-80-110)

10. The permittee shall maintain all records required by Conditions III.C.1 through III.C.9. The format of these records shall be arranged with the Director, Tidewater Regional Office. All records shall be kept on site for a minimum of five years.

(9 VAC 5-50-410 and 9 VAC 5-80-110 F)

11. The permittee shall comply with the reporting and recordkeeping provisions of NSPS Subpart Db, 40 CFR 60.46.b.

(9 VAC 5-50-410 and 40 CFR 60.46.b)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
 (9 VAC 5-50-30, 9 VAC 5-80-110, and Specific Condition 14 of 7/26/99 permit)
2. Performance tests shall be conducted for PM₁₀, SO₂, CO, and VOC on one stack, while the three boilers exhausting to that stack are operating at a minimum of 80% of their maximum rated capacity, to determine compliance with the emission limits contained in Condition III.A.1. The tests shall be performed, and demonstrate compliance, no later than 18 months after the initial issuance of this permit. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410 or as listed below in Condition III.D.3. The details of the tests are to be arranged with the Director, Tidewater Regional Office. Test report information shall contain a record of the pressure drop across the fabric filter associated with each boiler being tested for each test run. Test report information shall also contain a record of the sulfur content of the coal being burned during each test run. The permittee shall submit a test protocol at least thirty days prior to testing. Two copies of the test results shall be submitted to the Director, Tidewater Regional Office within 45 days after test completion.
 (9 VAC 5-50-30 and 9 VAC 5-80-110)
3. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Table III.D.1 Boilers 1A, 1B, 1C, 2A, 2B, and 2C		
Pollutant	Test Method	Applicable Requirement
VOC	40 CFR 60, Appendix A, EPA Methods 18, 25, 25a, 25b	9 VAC 5-50-30
NO _x	40 CFR 60, Appendix A, EPA Method 7 or NO _x monitoring system	40 CFR 60.46b(e)(2)
SO ₂	40 CFR 60, Appendix A, EPA Method 6, 6c	9 VAC 5-50-30
CO	40 CFR 60, Appendix A, EPA Method 10	9 VAC 5-50-30
PM/PM ₁₀	40 CFR 60, Appendix A, EPA Method 5, 17, 201a	40 CFR 60.46b(d)(2)(i)
Opacity	40 CFR 60, Appendix A, EPA Method 9	40 CFR 60.46b(d)(7)

(9 VAC 5-80-110)

E. Reporting

1. The permittee shall submit excess emission reports of opacity for any calendar quarter during which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the permittee shall submit a report semi-annually stating no excess emissions occurred. The reports shall be submitted to the Director, Tidewater Regional Office.
 (9 VAC 5-50-410 and 40 CFR 60.49b(h))

2. The permittee shall submit a quarterly report to the Director, Tidewater Regional Office containing all information listed in Condition III.C.3 for NO_x. In addition, the quarterly report shall contain information concerning instances when the pressure drop across any baghouse was outside the range described in Condition III.C.4, instances where the pugmill was malfunctioning or was not in use during ash loading, instances where the wet suppression system was malfunctioning or not in use during coal handling operations, instances when the sulfur and ash content of the fuel exceeded allowable limits, and instances when Method 9 visible emissions evaluations, as required by Conditions III.B.12 and III.B.13, show violations of the applicable opacity standards. The minimum information required for these instances are the time, date, location, description, and corrective action taken for each instance.
(9 VAC 5-50-410, 9 VAC 5-80-110, and 40 CFR 60.49b(h)(4)(i))
3. The permittee shall ensure that all quarterly reports are postmarked by the 30th day following the end of each calendar month.
(9 VAC 5-50-410 and 40 CFR 60.49b(h)(4)(i))
4. The permittee may submit electronic quarterly reports for NO_x and opacity in lieu of submitting written reports. The format of each quarterly electronic report shall be coordinated with the Director, Tidewater Regional Office. The electronic reports shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement, indicating whether compliance with the applicable emission standard and minimum data requirements were achieved during the reporting period. The permittee shall obtain agreement from the Director, Tidewater Regional Office before submitting reports in this alternative format.
(9 VAC 5-50-410 and 40 CFR 60.49b(v)(v))

IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation ¹ (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
1-4	Turbine lube oil tank vent	Emissions level 9 VAC 5-80-720 B	VOC	n/a
2-4	Turbine lube oil tank vent	Emissions level 9 VAC 5-80-720 B	VOC	n/a
1-5	Cooling tower	Emissions level 9 VAC 5-80-720 B	PM	n/a
2-5	Cooling tower	Emissions level 9 VAC 5-80-720 B	PM	n/a
6	Diesel fuel storage tank	Emissions level 9 VAC 5-80-720 B	VOC	n/a
SK	Parts cleaner	Named activity 9 VAC 5-80-720 A 24		35 gals <0.07 tpy
5	Emergency diesel power fire pumps	Size 9 VAC 5-80-720 C		340 BHP
7	Oil/Water separator	Named activity 9 VAC 5-80-720 A 41		Emergency use only < 5.0 tpy

¹The citation criteria for insignificant activities are as follows:

9 VAC 5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9 VAC 5-80-720 B - Insignificant due to emission levels

9 VAC 5-80-720 C - Insignificant due to size or production rate

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, record keeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements that have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
40 CFR 60.42b	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units – Standard for Sulfur Dioxide	This section of 40 CFR 60 Subpart Db does not apply to the permittee since the construction of the boilers commenced after June 18, 1984 but on or before June 19, 1986.
40 CFR 63.7491, Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters	40 CFR 63 Subpart DDDDD does not apply to the permittee since fossil fuel-fired units that cogenerate steam and electricity, and supply more than one-third of its potential electric output capacity, and more than 25 megawatts electrical output to any utility power distribution system for sale are exempt from the provisions of this subpart.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - A. The date, place as defined in the permit, and time of sampling or measurements.
 - B. The date(s) analyses were performed.
 - C. The company or entity that performed the analyses.
 - D. The analytical techniques or methods used.
 - E. The results of such analyses.
 - F. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - A. The time period included in the report. The time periods to be addressed are **January 1 to June 30** and **July 1 to December 31**.
 - B. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - C. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is **January 1 to December 31**.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be sent to EPA at the following address:
Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after discovery, notify the Director, Tidewater Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Region. (9 VAC 5-20-180 C)

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the two week written notification.
2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
 - a. Boiler 1A
 - b. Boiler 1B
 - c. Boiler 1C
 - d. Boiler 2A
 - e. Boiler 2B
 - f. Boiler 2C
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
4. All emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C must make written reports within two weeks of the malfunction occurrence.
(9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - A. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - B. The permitted facility was at the time being properly operated.
 - C. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - D. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
 - E. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 - F. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

VII. NO_x Budget Trading Program Requirements

A. General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO_x Budget Unit and falls subject to the NO_x Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, for each NO_x Budget source required to have a federally enforceable permit, such permit will include the NO_x Budget permit. This section represents the NO_x Budget permit.
(9 VAC 5-140-40) or (9 VAC 5-140-800)
2. The NO_x Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq. and 9 VAC 5-140-10 et seq.
(9 VAC 5-140-200 A)

3. The following air emission unit(s) have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO_x Budget Trading program as "opt-in" air emission sources. (9 VAC 5-140-40 A) for Opt-In sources (9 VAC 5-140-800).

Facility NO _x Budget Units				
Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (lbs steam/hour)
BLR01A	010071BLR01A	Foster-Wheeler coal-fired stoker boiler	200	175,000
BLR01B	010071BLR01B	Foster-Wheeler coal-fired stoker boiler	200	175,000
BLR01C	010071BLR01C	Foster-Wheeler coal-fired stoker boiler	200	175,000
BLR02A	010071BLR02A	Foster-Wheeler coal-fired stoker boiler	200	175,000
BLR02B	010071BLR02B	Foster-Wheeler coal-fired stoker boiler	200	175,000
BLR02C	010071BLR02C	Foster-Wheeler coal-fired stoker boiler	200	175,000

4. This NO_x Budget Trading permit will become effective on May 31, 2004.
 (9 VAC 5-140-240.1)

B. Standard Requirements

1. Continuous Monitoring Requirements.
- The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of Article 8 (9 VAC 5-140-700 et seq.).
 (9 VAC 5-140-60 B.1)
 - The emissions measurements recorded and reported in accordance with 9 VAC 5-140-700 et seq. (Subparts H of 40 CFR 75 and 40 CFR 97) shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraphs B.2.a. through B.2.h.
 (9 VAC 5-140-60 B.2)

The following approved methods will be used to calculate NO_x Control Period and Annual emission rates:

Pollutant or Stack Parameter	CEM Monitoring Methods 40 CFR 75, Appendix A and B
NO _x Concentration	Performance Specification 2
CO ₂ /Diluent Gas	Performance Specification 3
Fuel use / heat flow	Performance Specification 2
Moisture	Performance Specification 2

2. Nitrogen oxides requirements.

- a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of this part, the Clean Air Act, and applicable Virginia Air Pollution Control law.
(9 VAC 5-140-60 C.2)
- c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004, or the date on which the unit commences operation. (9 VAC 5-140-60 C.3)
- d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.).
(9 VAC 5-140-60 C.4)
- e. A NO_x allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_x allowance was allocated.
(9 VAC 5-140-60 C.5)
- f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
(9 VAC 5-140-60 C.6)
- g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
(9 VAC 5-140-60 C.7)
- h. Upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.), every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.
(9 VAC 5-140-60 C.8)

3. Excess emissions requirements.

- a. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:

1. Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D 1; and
2. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.
(9 VAC 5-140-60 D)

C. Recordkeeping and Reporting Requirements.

The following requirements concerning recordkeeping and reporting shall apply:

- a. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.
(9 VAC 5-140-60 E.1)
- b. The account certificate of representation for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
(9 VAC 5-140-60 E.2)
- c. All emissions monitoring information, in accordance with Article 8 (9 VAC 5-140-700 et seq.) of this part; provided that to the extent that Article 8 (9 VAC 5-140-700 et seq.) provides for a three-year period for recordkeeping, the three-year period shall apply.
(9 VAC 5-140-60 E.1)
- d. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
- e. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
- f. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.).
(9 VAC 5-140-60 E.2)

D. Testing for CEM Certification

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-140-300)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant or Stack Parameter	CEM Certification Test Method 40 CFR 60
NO _x Concentration	USEPA Method 7E
Opacity	USEPA Method 9
Moisture	USEPA Method 4
Fuel use / heat flow	USEPA Method 2
Diluent gas	USEPA Method 3A

(9 VAC 5-140-700 to 710)

E. Liability

1. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)
3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)
4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 F.4)
5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(9 VAC 5-140-60 F.5)
6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.
(9 VAC 5-140-60 F.6)

F. Effect on Other Authorities.

No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

(9 VAC 5-140-60 G)

VIII. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

9 VAC 5, Chapter 50, Part II, Article 2, Standards of Performance for Odorous Emissions

9 VAC 5, Chapter 50, Part II, Article 3, Standards of Performance for Toxic Emissions

(9 VAC 5-80-110 N and 9 VAC 5-80-300)